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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/996,131	11/28/2001	John William Sweitzer	AUS920010638US1	1427
40412	7590	02/07/2005	EXAMINER	
IBM CORPORATION- AUSTIN (JVL) C/O VAN LEEUWEN & VAN LEEUWEN PO BOX 90609 AUSTIN, TX 78709-0609			WONG, LESLIE	
			ART UNIT	PAPER NUMBER
			2167	

DATE MAILED: 02/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/996,131

Applicant(s)

SWEITZER ET AL.

Examiner

Leslie Wong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it **exceeds 150 words** limit.

Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims are rejected under 35 U.S.C. 102(b) as being anticipated by **Harris** (US005946373A).

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Regarding claims 1, 8, and 14, **Harris** teaches a method, an information handling system, and a computer program product for developing topography based management systems, said method comprising:

- a). analyzing a topography design corresponding to a topography (col. 6, lines 5-15);
- b). identifying one or more topography requirements based on the analysis (col. 6, lines 16-25);
- c). creating topography components corresponding to the identified topography requirements, wherein each of the components is adapted to interoperate with one or more operating environments (col. 4, lines 23-25; col. 6, lines 16-20); and
- d). storing component data in a topography data store, the component data describing one or more of the components (col. 4, lines 15-25; col. 5, lines 9-35).

Regarding claims 2, 9, and 15, **Harris** further teaches wherein the topography neutral application component is adapted to interoperate with more than one topography (col. 4, lines 15-25).

Regarding claims 3, 10, and 16, **Harris** further teaches wherein at least one of the topography requirements is selected from the group consisting of a communication framework, a deployment mechanism, a security infrastructure, and an operation conduit (col. 2, lines 40-57).

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Regarding claims 4, 11, and 17, **Harris** further teaches wherein the component data includes one or more fields selected from the group consisting of a component identifier, a target platform, a development environment, a control model, a topography scale, a management style, a component dependency, a component placement, a component packaging data, a component bundling data, a component build option, and a component runtime option (col. 4, lines 49-50).

Regarding claims 5, 12, and 18, **Harris** further teaches the steps of:

- a). saving each component in a component library (col. 4, lines 15-25);
- b). wherein the storing further includes writing a record in a database file, each record corresponding to a distinct component (col. 2, lines 40-57).

Regarding claims 6, 13, and 19, **Harris** further teaches the steps of:

- a). identifying one or more client attributes corresponding to a client (col. 10, line 59 – col. 11, line 7; col. 12, lines 27-35);
- b). comparing the identified client attributes to the topography components (col. 11, lines 8-10); and
- c). selecting one or more topography components based on the comparing (col. 11, lines 20-25).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 7 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Harris** (US005946373A) as applied to claims 1-6 and 8-19 and in view of **Pham et al.** ("Pham")(US005524253A).

Regarding claims 7 and 20 **Harris** does not explicitly teach installing the selected topographical components on one or more client computer system.

Pham, however, teaches 'installing the selected topographical components on one or more client computer system' as the DMM modules of the invention must be made node-specific and installed on all the nodes in the integration domain and the configuration tables (col. 13, lines 22-31).

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It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of the cited references because **Pham's** teaching would have allowed **Harris's** to enable communication with each of the nodes within the network as specified in the configuration files as suggested by **Pham** at col. 13, lines 25-28.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Turnbull (US005208765A)

Seki et al. (US005444618A)

Rappaport et al. (US 20040143428 A1)

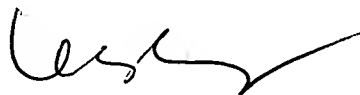
Lee et al. (US 5995969 A)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (571) 272-4120. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong
Patent Examiner
Art Unit 2167

LW
February 5, 2005